COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: July 21, 2011
FILE: FO2271550

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: JOSEPH M. GOODEN, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ALLISON HOLLAND #[redacted]
DEPUTY [redacted] #[redacted]
COMPTON STATION

On August 3, 2010, at approximately 0411 hours, Deputies Allison Holland and [redacted] were patrolling in the area of 144th Street and Loness Ave when they saw a male black adult (later identified as S/Murphy) walking on Loness Avenue approaching 144th Street. When he saw the deputies, he immediately began to walk eastbound on 144th Street in apparent attempt to distance himself. Based on his actions, they decided to contact him.

As the deputies drove along side the suspect, they asked if they could speak to him. The suspect told them "Yeah, sure. I didn't come out from that house though." As Deputy Holland got out of the patrol car, she noticed the suspect appeared nervous and upset. Suspect Murphy began to repeatedly reach into his pants pockets and removed unknown items, dropping them onto the ground.

Deputy Holland told suspect Murphy several times to keep his hands out of his pockets, however, he did not comply. Based on his actions, they feared he may be retrieving a weapon, or attempting to discard contraband. For their safety, they conducted a pat down search for weapons.

As Deputy Holland began a pat down search, she felt a small bulge in suspect Murphy's left sock. Deputy Holland asked suspect Murphy what was in his sock. He replied, "It's nothing." She asked the suspect if it was narcotics. Suspect Murphy stated, "I'm not trying to be funny." Deputy Holland had the suspect sit in the back seat of their radio car.

Deputy Holland asked the suspect if he would remove his left shoe and sock. He complied. While doing so, a white piece of paper fell on to the asphalt. Deputy Holland recovered the piece of paper and found it to contain two pieces of rock cocaine.

They had the suspect get out of the car in order to place him under arrest. He stood next to the trunk area of the radio car. As Deputy Holland placed his hands behind his back, he forcefully turned to his left trying to face her. Believing he was trying escape or harm her, she and Deputy [redacted] performed a team take down. When suspect Murphy fell on the ground, his hands were hidden under his body in his waist band area. Both deputies ordered the suspect to remove his arms from underneath his waist. The suspect did not comply; Deputy Holland tried to remove his left arm, and Deputy [redacted] tried to remove his right arm. The suspect did not comply as they forcefully attempted to remove his arms form underneath his body. Deputy Holland who was on her knees, performed three knee strikes to suspect Murphy's left rib area. After the knee strikes, she was able to force his left arm behind his back Deputy [redacted] was also able to force the suspect's right arm from underneath him and behind his back. Deputy Holland was able to handcuff him without anymore force.

Suspect Murphy was transported to Tri-City Hospital in Hawaiian Gardens. Suspect Murphy complained of pain to his left chest area. An X-ray showed a fracture of one of his ribs. He was given pain medication and was given an "OK to book."

On June 30, 2011 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputies Allison Holland and [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputies Holland and [redacted] in this incident were within Department Policy.

JSH:RSP/rsp

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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

UNIT: Compton Station
DATE: August 3, 2010
TIME: 0411 hours
LOCATION: 144th Street / Loness Ave, Compton 90221
URN#: 910-13594-2872-181
IAB#: FO2271550

NATURE OF INCIDENT:

On August 3, 2010, at approximately 0411 hours, Deputies Holland and [redacted] were patrolling in the area of 144th Street and Loness Ave when they saw a male black adult (later identified as S/Murphy) walking north bound on Loness Ave approaching 144th Street. When he saw the deputies, he immediately began to walk eastbound on 144th Street in apparent attempt to distance himself from the deputies. Based on his actions, they decided to contact him.

As the deputies drove along side the suspect, they remained in their car. They asked him if they could speak to him. The suspect told them "Yeah, sure. I didn't come out from that house though." As Deputy Holland got out of the patrol car, she noticed that the suspect appeared nervous and upset. Suspect Murphy began to repeatedly reach into his pants pockets and removed unknown items, dropping them onto the ground.

Deputy Holland told suspect Murphy several times to keep his hands out of his pockets, however, he did not comply. Based on his actions, they feared he may be retrieving a weapon, or attempting to discard contraband. For their safety, they conducted a pat down search for weapons.

As Deputy Holland began a pat down search, she felt a small bulge in suspect Murphy's left sock. Deputy Holland asked suspect Murphy what was in his sock. He replied, "It's nothing." She asked the suspect if it was narcotics. Suspect Murphy stated, "I'm not trying to be funny." Deputy Holland had the suspect sit in the back seat of their radio car.

Deputy Holland asked the suspect if he would remove his left shoe and sock. He complied. While doing so, a white piece of paper fell on to the asphalt. Deputy Holland recovered the piece of paper and found it to contain two pieces of rock cocaine.

They had the suspect get out of the car in order to place him under arrest. He stood next to the trunk area of the radio car. As Deputy Holland placed his hands behind his back, he forcefully turned to his left trying to face her. Believing he was trying escape or harm her, she and Deputy [redacted] performed a team take down. When suspect Murphy fell on the ground, his hands were hidden under his body in his waist band area. Both deputies ordered the suspect to remove his arms from underneath his waist. The suspect did not comply; Deputy Holland tried to remove his left arm, and Deputy [redacted] tried to remove his right arm. The suspect did not comply as they forcefully attempted to remove his arms form underneath his body. Deputy Holland who was on her knees, performed three knee strikes to suspect Murphy's left rib area. After the knee strikes, she was able to force his left arm behind his back Deputy [redacted] was also able to force the suspect's right arm from underneath him and behind his back. Deputy Holland was able to handcuff him without anymore force.

Sergeant King responded to the location and was notified of the force that was used.

Suspect Murphy was transported to Tri-City Hospital and was treated for his injuries. He received an "Ok" to book.

> **IAB Note:** Deputy Holland's Incident Report is included in this case book. See **Exhibit A**. Supplemental Reports are also included, see **Exhibits B and C**.

Internal Affairs Bureau Lieutenant Stefanie Fredericks was notified, and Sergeant Scott Graham responded to Compton Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and medical staff.

INVOLVED PERSONNEL:

Allison Holland - Deputy Sheriff, Employee #[redacted]
Compton Station
Patrol, Field Operations Region II
Date of Employment: 05-24-2006
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: [redacted]

[redacted] - Deputy Sheriff, Employee #[redacted]
Compton Station
Patrol, Field Operations Region II
Date of Employment: 12-13-1993
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents: [redacted]

INVOLVED SUSPECT :

Murphy, Victor Allen

Sex:	Male
Race:	Black
Date of Birth:	June 10, 1943
Booking #	2426050
Charge:	11350 (a) H/S, 148 (A)(1) PC
Injury:	Broken Left Rib, , Abrasions

The Consolidated Criminal History System [redacted] Suspect Murphy [redacted]

IAB Note: A copy of Suspect Murphy's criminal history is included in this report. See **Exhibit E.**

SWORN DEPUTY WITNESSES:
None

NON-DEPARTMENT WITNESSES:
None

INVOLVED EMPLOYEE STATEMENTS:

Deputy Allison Holland #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Carlos Flores, on August 19, 2010, at 0936 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Holland said that she and her partner, Deputy [redacted] #[redacted] detained Suspect Murphy because they believed that he had just come from a known narcotics house. During the detention, suspect Murphy was found to be in possession of rock cocaine.

As Deputy Holland began to place suspect Murphy under arrest, as she placed his hands behind his back and he forcefully turned to his left. Believing he was trying to escape, or hurt her to avoid being arrested, she conducted a take down of suspect Murphy. During the take down, suspect Murphy placed his hands under his body in his waist band area. Because he was laying on his stomach, Deputy Holland and Deputy [redacted] ordered him to put his hands behind his back. He did not comply and they forcefully tried to remove them. As suspect Murphy was resisting, Deputy Holland kneed him in his left rib area three times. Because of the knee strikes, Deputies Holland and [redacted] were both able

to pull both of suspect Murphy's hands behind his back and handcuff him.

When Deputy Holland was asked why she utilized the knee strikes, she stated that she has trained using this technique in the past and found it to be successful. She was asked if she had thought of other less lethal options and she said the she did, but this seemed to be the best option at the time.

Deputy Holland authored an Incident Report **(Exhibit A)** documenting her observations and actions. For additional information refer to Deputy Holland's report and verbatim interview transcripts.

Deputy [redacted] **#** [redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Carlos Flores, on August 19, 2010, at 0936 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy [redacted] said that she and her partner, Deputy Holland # [redacted] detained Suspect Murphy because they believed that he had just come from a known narcotics house. The suspect was found to be in possession of rock cocaine.

As Deputy Holland began to place suspect Murphy under arrest, she placed his hands behind his back and he forcefully turned to his left. Believing he was trying to hurt her partner, Deputy [redacted] assisted in the take down of suspect Murphy. During the take down, suspect Murphy' placed his hands under his body in his waist band area. Because he was laying on his stomach, Deputy [redacted] stated that she ordered the suspect to put his hands behind his back. He did not comply. She and Deputy Holland forcefully tried to remove them.

As suspect Murphy was resisting, Deputy [redacted] stated that she placed her knee on his back as she tried to pull his arm out from under his body.

Deputy [redacted] said that she dug her knee into suspect Murphy's back and she was able to pull his right arm out from under his body. She and Deputy Holland were able to pull both of suspect Murphy's hands behind his back and handcuff him. No other force was used to effect the arrest.

She was asked if she had thought of other less lethal options and she said the she did, but this seemed to be the best option at the time, as she did not want to let go of the suspect.

Deputy [redacted] authored a Supplemental Report **(Exhibit B)** documenting her observations and actions. For additional information refer to Deputy [redacted] report and verbatim interview transcripts.

SUSPECT'S STATEMENTS:

On August 5, 2010, Internal Affairs Bureau Sergeants Scott Graham and John Rossi went to the Twin Towers Custody Facility and conducted an interview with suspect Murphy regarding the incident. Suspect Murphy agreed to talk with us about the incident. The interview was digitally audio recorded.

The following is a summarization of the interview: Suspect Murphy told us that he was stopped for no reason. He stated he was searched, and placed in the back seat of the radio car. The next thing he knew, he was being pulled out of the car and "slammed" on the ground. He stated that the deputies "for no reason", began pulling on his arms. He also stated that he was "choked out" until he "blacked out." Suspect Murphy further stated that the deputies grabbed him by his pony tail, and "slammed " his face into the sidewalk several times. Suspect Murphy also stated that he was kicked and punched several times without cause.

When asked if he was completely co-operative with the deputies, he stated that he was. Suspect Murphy was asked if he did anything that would cause the deputies to take the actions they did. He stated he complied with their instructions. He did say that when they were putting the handcuffs on, he did turn to ask them why he was being arrested.

When suspect Murphy was asked if he had any narcotics in his possession, he denied having any.

> **IAB Note:** Two pieces of Rock Cocaine were recovered from Suspect Murphy's sock.

> **IAB Note:** Suspect Murphy did not have any injury to his head, face or neck area.

SUSPECT'S INJURIES:

Suspect Murphy was transported to Tri-City Hospital in Hawaiian Gardens. He was treated by Emergency Room Physician, Doctor Orlino for abrasions on his arm. He received a patient number of [redacted]

While getting the "OK to book", suspect Murphy complained of pain to his left chest area. An X-ray showed a fracture of one of his ribs. He was given pain medication and was given an "OK to book."

IAB Sergeant Scott Graham telephoned and spoke to the treating E.R. physician Dr. Orlino. Dr. Orlino stated that the suspects injuries were consistent with the force used. He also stated that the fracture to the suspect's left rib was a new injury, not a pre-existing injury.

IAB Note: A copy of suspect Murphy's "Ok to Book," and discharge instructions, are included in this case book. See **Exhibit D**.

DEPUTY PERSONNEL:

None of the deputy personnel were injured in this altercation.

PHYSICAL EVIDENCE:

No physical evidence was collected at the scene by Internal Affairs Bureau Investigators. However, evidence collected by the handling deputies was documented in their Incident Report. (**Exhibit A**).

INVESTIGATORS OBSERVATIONS:

There were no observations of the scene due to the fact this incident was assigned to IAB on August 4, 2010, the day after the incident, when the fracture was diagnosed.

Digital photographs of the scene were taken, and are included in this case book. (**Exhibit F**).

Sergeant Matthew King canvassed the area for potential witnesses. He authored a supplemental report with is findings, and conducted video recorded interviews. **(Exhibit C).** None of the citizens he contacted, witnessed the incident.

WEAPONS USED BY DEPUTY PERSONNEL:

Personal weapons, hands, knee.

WEAPONS USED BY SUSPECT:

Personal weapons, hands.

PROPERTY DAMAGE:

None

CRIMINAL INVESTIGATOR and CHARGES FILED:

Investigator: Jorge Padilla #[redacted] Deputy, Compton Narcotics
Court: Superior Court - Compton
Charges Filed: 11350(a) H/S

IAB Note: On August 5, 2010, the District Attorney's Office, out of Compton

Superior Court, filed the above listed charges against Suspect Murphy.

WEATHER CONDITIONS AND LIGHTING CONDITIONS:

The incident occurred on a clear early morning, at 0410 hours.

Los Angeles County Sheriff's Department
Supervisor's Report on Use of Force

Incident Information

URN: 910-13594-2872-181	Date: 8/3/10	Time: 0411 Hours	
Location: 144th Street / Loness Ave	City or Station: Compton		
Bureau/Station/Facility: Compton Station	Admin. Investigation: YES ☐ NO ☒		
Type of Force: Significant / Take Down, Personal Weapon (Knee)			
Deputy Injury: YES ☐ NO ☒	Suspect Injury YES ☒ NO ☐		
☐ Call ☒ Observation ☐ Detail	☐ Foot Pursuit ☐ Vehicle Pursuit		
IAB Notified: YES ☒ NO ☐	Person Notified: Lt. Fredericks	Emp: [redacted]	IAB Roll Out: YES ☒ NO ☐

Involved Employee

E1

Employee #	Last Name	First Name	Middle Name
[redacted]	Holland	Allison	J

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	W	Compton Station	287H EM's

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5-06	147

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ Coroner Case # ______ Directed Force ☐ Significant Force ☒

E2

Employee #	Last Name	First Name	Middle Name
[redacted]	[redacted]	[redacted]	[redacted]

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☒ Female	W	Compton Station	287H EM's

Shift		Age	Height	Weight
☒ EM ☐ Day ☐ PM	☒ Regular Shift ☐ OT Shift ☐ Off Duty	[redacted]	5-06	150

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ Coroner Case # ______ Directed Force ☐ Significant Force ☒

E__

Employee #	Last Name	First Name	Middle Name

Sex	Race	Unit of Assignment	Work Assignment (Unit #, Module, etc.)
☐ Male ☐ Female			

Shift		Age	Height	Weight
☐ EM ☐ Day ☐ PM	☐ Regular Shift ☐ OT Shift ☐ Off Duty			

☐ Injured ☐ Treated ☐ Admitted Hospital: ______ Coroner Case # ______ Directed Force ☐ Significant Force ☐

☐ Additional Involved Employees

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	King	Matthew		Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
					YES ☐ NO ☐	YES ☐ NO ☐

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Walker	Corey	

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Yokoyama	Hiroshi	

Watch Commander (**Print Name**) ______ Watch Commander's **Signature**: ______ Emp #: ______ Date ______

Scott A. Graham [redacted]
Supervisor Completing Form: (**Print Name**) Emp #: ______ Copy Provided to Employee by: ______ Emp #: ______

Unit Commander (**Print Name**) ______ Unit Commander's **Signature**: ______ Emp #: ______ Date ______

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 12/07)

Supervisor's Report on Use of Force
SUSPECT INFORMATION
910-13594-2872-181

Suspect Information

S 1

Last Name: Murphy		First Name: Victor			Middle Name: Allen		
AKA Last Name:		First Name:			Middle Name:		
Sex: ☒ Male ☐ Female	Race: B	Street Address: [redacted]		City: [redacted]	State & Zip Code: [redacted]		
Work Phone:	Home Phone: [redacted]	Age: 66	Height: 6-02	D.O.B. 06-10-43	Weight: 180	Armed? ☐	

Booking #: 2426050 Primary Charge Code: 11350 H/S Secondary Charge Code: 148 P/C Criminal History [redacted]

EMT in attendance? ☐ YES ☒ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: Tri City Regional Medical Ctr Coroner Case #: ______ Mental History ☐

By Doctor: Dr. Orlino Address: 21530 South Pioneer Bl, Hawaiian Gardens, 90716 Phone #: 562-860-0401

Under Influence: ☐ YES ☒ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

Suspect Information

S__

Last Name:		First Name:			Middle Name:	
AKA Last Name:		First Name:			Middle Name:	
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness: ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

Suspect Information

S__

Last Name:		First Name:			Middle Name:	
AKA Last Name:		First Name:			Middle Name:	
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:	State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐

Booking #: Primary Charge Code: Secondary Charge Code: Criminal History ☐

EMT in attendance? ☐ YES ☐ NO Name: ______ Unit: ______ Phone #: ______

Hospital Admission? ☐ Rec'd Treatment At: ______ Coroner Case #: ______ Mental History ☐

By Doctor: ______ Address: ______ Phone #: ______

Under Influence: ☐ YES ☐ NO Substance: ______ Mental Illness ☐

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐ Photos of Injuries: ☐

☐ **Additional Suspects Involved**

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Victor Murphy	S1	Deputy Holland	E1	RS	NN	
Deputy Holland	E1	Victor Murphy	S1	CT	NN	
Deputy Holland	E1	Victor Murphy	S1	TT	NN	
Deputy [redacted]	E2	Victor Murphy	S1	TT	AB	
Victor Murphy	S1	Deputy Holland	E1	RS	NN	
Victor Murphy	S1	Deputy [redacted]	E2	RS	NN	
Deputy Holland	E1	Victor Murphy	S1	PO	FR	CH
Deputy Holland	E1	Victor Murphy	S1	CT	NN	
Deputy [redacted]	E2	Victor Murphy	S1	CT	NN	
Deputy Holland	E1	Victor Murphy	S1	RH	NN	
Deputy [redacted]	E2	Victor Murphy	S1	RH	NN	